

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

FIELDTURF USA, INC., et al.

Plaintiffs,

v.

SPORTS CONSTRUCTION GROUP, LLC.

Defendant.

CASE NO. 1:06 CV 2624

Judge Patricia A. Gaughan

**DEFENDANT'S NUNC PRO TUNC
MOTION TO CLARIFY CASE
MANAGEMENT ORDER**

Defendant Sports Construction Group, LLC moves this Court to issue an Order Nunc Pro Tunc to amend the Case Management Order filed on December 26, 2006.

At the case management conference, the Court adopted Defendant's proposed case management plan for Plaintiffs' initial disclosure of Asserted Claims and Preliminary Patent Infringement Contentions and Defendant's Preliminary Invalidity Contentions. The Court ordered Plaintiffs to disclose their Asserted Claims and Preliminary Patent Infringement Contentions by January 10, 2007 and Defendant to disclose its Preliminary Invalidity Contentions by February 24, 2007. In making these disclosures, the parties were to comply with the Local Patent Rules of United States District Court Northern District of California which govern these particular disclosures.

However, the requirement by the parties to make these disclosures has been omitted from the case management order. To eliminate any uncertainty, Defendant requests that a further Case Management Order be issued Nunc Pro Tunc to incorporate the parties' respective responsibilities to disclose their infringement and invalidity contentions.

Respectfully submitted,

/s/ Joseph R. Spoonster

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CERTIFICATE OF SERVICE

I hereby certify that on December 28, 2006 a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. This pleading may be accessed through the Court's electronic filing system.

/s/ Joseph R. Spoonster

One of the Attorneys for Defendant
Sports Construction Group, LLC